

Notice of Allowability

Application No.

09/599,048

Examiner

Mary J. Steelman

Applicant(s)

MURRAY ET AL.

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2 June 2005.
2. ☒ The allowed claim(s) is/are 1-70.
3. ☒ The drawings filed on 21 June 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/3/04, 5/20/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Ted T. Vo
TED T. VO
Primary Examiner

HL

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DETAILED ACTION

1. This Office Action is in response to Amendments and Remarks received 2 June 2005.

Per Applicant's request new claim 70 has been added. Claims 1-70 are pending.

Information Disclosure Statement

2. IDS received 3 November 2004 and 20 May 2005 has been considered.

Allowable Subject Matter

3. Claims 1-70 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations:

As substantially recited in independent claims 1, 17, 18, 29, 39, 48, 54, 55, 62, 63, 64, and 70, Muscular (USPN 6253366 B1) fails to describe software extensions / deliver descriptions of extensions, as Applicant has noted in Remarks, received 2 June 2005, found on pg. 27, lines 15-16, pg. 30, lines 10-11, pg. 31, lines 17-20, pg. 34, lines 11-12, pg. 37, lines 17-18, pg. 39, lines 13-14 & 22-23, pg. 40, lines 19-24, pg. 41, lines 7-22, and pg. 43, lines 4-8, pg. 44.

In reference to independent claim 40, as Applicant has pointed out on page 35, lines 22-24, Mutschler fails to disclose an embodied data structure comprising a first sub-structure indicative

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of a software extension that is to be incorporated in a software application program, nor does Mutschler disclose (page 36, lines 10-11) a second substructure associated with a first substructure, indicating feature types that are added, and a third substructure associated with the second sub-structure, indicating features of an associated feature type that are added.

In reference to independent claim 66, as Applicant has noted on page 44, lines 8-12, "Mutschler does not teach grouping multiple software extension descriptions in a catalog in a network-accessible location to enable delivery of software via a network, or using the catalog to update a software extension that is resident on a computing device."

As related to claims 1 and 17, noted on pg. 28, line 22- pg. 29, line 2, pg. 30, lines 16-18, Voskuil (US Patent Application 2002/0032768) fails to disclose "delivering descriptions of one or more extensions... where descriptions are configured for use in downloading..." Thus the combination of Mutschler and Voskuil fails to teach such claimed limitations.

All independent claims, claims 1, 17, 18, 29, 39, 40, 48, 54, 55, 62, 63, 64, 66, and 70 are allowed. Thus all dependent claims, claims 2-16, 19-28, 30-38, 41-47, 49-53, 56-61, 65, and 67-69, are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 through 15 July 2005. After 15 July 2005, the fax number will be 571-273-8300.


Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman



07/07/2005



TED T. VO
Primary Examiner